

REMARKS

Claim Status

Currently, claims 1, 2, 4-7 and 9-21 are pending. Claims 3 and 8 has been cancelled.

Claim Rejections – 35 USC §102

In paragraphs 1 and 2 of the Office Action, the Examiner rejected claims 1-3, 6, 7, 9, 10, 13, and 15 under 35 USC §102(b) as being anticipated by MacDonald (US Patent 4,057,217). Applicant traverses.

For purposes of brevity, Applicant incorporates the arguments presented in the response to the previous office action herein.

Responsive to the previously presented arguments, the Examiner agreed with Applicant that the MacDonald recess extends completely through the throttle valve.

The Examiner disagreed with Applicant's argument that the MacDonald shaft is not exposed. The Examiner indicated that "the recesses of MacDonald clearly intersect the receiving opening" and that the instant claims lack a limitation to an exposed shaft. In response, Applicant has amended claim 1 to now further recite: said one or more recesses extend into said interior *opening exposing* said shaft.

The Examiner disagreed with Applicant's argument that MacDonald fails to connect the valve to the shaft by direct welding in noting that the instant claims, by making use of a connecting element between valve and shaft, do not claim direct welding. In response, Applicant has incorporated the limitations of claim 3, directed to the instant connecting element with amended language explicitly indicating that the connecting element is welded directly to the shaft:

and wherein said throttle valve comprises a connecting element *welded*
to said throttle valve and projecting into said recess, said connecting
element comprising a material weldable to said throttle valve shaft.

MacDonald's welding (element 49) as depicted in the figures 3 and 4 are not welding a connecting element to a shaft..

The Examiner disagreed with Applicant's argument that (former) claim 3 limited the connecting element as being welded to the shaft. The language of claim 3 has been incorporated into claim 1 and amended to explicitly indicating a welding.

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The Examiner disagreed with Applicant's argument that claims 6 and 10 require multiple connecting elements in a single recess, the Examiner citing "said recess" as being confusing language. Accordingly, Applicant has amended claims 6 and 10 to replace "said recess" with "each of said one or more recesses". To avoid any confusion with respect to the remaining claims, all recitations of "said recess" have been amended to "said one or more recesses".

For at least the above reasons, Applicant maintains that the claims as currently amended are not anticipated by MacDonald and reconsideration and withdrawal of the rejection is respectfully requested.

In paragraph 3, the Examiner rejected claims 1-4 and 9 under 35 USC §102(b) as being anticipated by Obermaier (US Patent 3,675,681). Applicant traverses.

For purposes of brevity, Applicant incorporates the previously presented arguments herein.

The Examiner disagreed with Applicant's arguments, with respect to Obermaier, in noting that the instant "receiving opening" does not require that the shaft being inserted into a round hole. Applicant disagrees. The claim language recites that the receiving opening runs a length of and planar to said valve and comprises an interior opening wherein said shaft is mounted. Obermaier's shaft lies in an open central portion without a top or cover from which to define an *interior opening*. Applicant further argued that Obermaier does not disclose any welding, lacks the instant connecting element(s), projections, and recess for which no counter-argument by the Examiner was provided.

Therefore, for at least the reasons set out above, Applicant submits that Obermaier does not expressly nor implicitly disclose all the limitations of the rejected claims, is not available under 35 USC §102(b), and reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections - §103

In paragraphs 5 and 6, the Examiner rejected claims 16-21 under 35 USC §102(b) or 35 USC §103 as being obvious over MacDonald. Applicant traverses.

For purposes of brevity, Applicant incorporates the arguments previously presented with respect to this rejection herein. The Examiner's arguments have been traversed above. For at least the aforementioned reasons, Applicant submits that the

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claims 16-21 are not obvious in view of MacDonald and reconsideration and withdrawal of the rejection is respectfully requested.

In paragraphs 7 and 8, the Examiner rejected claims 4 and 5 as being obvious over MacDonald in view of official notice and claims 13-15 as being obvious over Obermaier in view of official notice. Applicant's previously presented arguments are incorporated herein and at least for these reasons, Applicant submits that the claims are not obvious in view of the cited prior art and reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

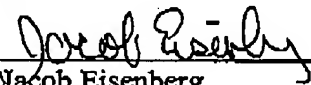
The present response is intended to correspond with the Revised Amendment Format. Applicant understands that with the Revised Amendment Format, the provisions of 37 CFR §1.121 are waived. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

No new matter has been added by way of the aforementioned amendments.

The Examiner has cited several references in the rejection's *Conclusion* as pertinent prior art. Applicant has reviewed these references and at least for the reasons set out above believe the present application, as currently claimed, is allowable over the references.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 2001P80113WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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SIEMENS SCHWEIZ
Intellectual Property
IP, I-44
Albisriederstrasse 245
CH-8047 Zürich, Switzerland
Tel: +41 (0) 585 583 295
Fax: +41 (0) 585 583 228


Jacob Eisenberg
Attorney for Applicant
Registration No. 43,410
Customer No.: 28,204